

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DANIELLE BICKLE,
D.E., minor daughter of Danielle Bickle,
R.O., minor son of Danielle Bickle, and
A.B., minor son of Danielle Bickle,
Plaintiffs,**

CIVIL ACTION

NO. 16-5480

v.

**CITY OF PHILADELPHIA,
ARCHDIOCESE OF PHILADELPHIA,
MILAGROS MARIA BONET,
LOUIS ANTONIO BONET,
LYDIA M. CARABALLO, and
ROLANDO L. MARTINEZ,
Defendants.**

ORDER

AND NOW, this 7th day of December, 2016, upon consideration of defendant City of Philadelphia's Motion to Dismiss for Failure to State a Claim (Document No. 2, filed October 27, 2016), plaintiffs' Answer in Opposition to Defendant, City of Philadelphia's Motion to Dismiss Plaintiffs' Complaint (Document No. 6, filed November 10, 2016), defendant Archdiocese of Philadelphia's Motion to Dismiss for Failure to State a Claim (Document No. 5, filed October 28, 2016), and plaintiffs' Answer in Opposition to Defendant, Archdiocese of Philadelphia's Motion to Dismiss Plaintiffs' Complaint (Document No. 7, filed November 10, 2016), for the reasons set forth in the accompanying Memorandum dated December 7, 2016, **IT IS ORDERED** as follows:

1. The City of Philadelphia's Motion to Dismiss is **GRANTED**, and plaintiffs' claims against the City of Philadelphia are **DISMISSED**;

2. The Archdiocese of Philadelphia's Motion to Dismiss is **GRANTED**, and plaintiffs' claims against the Archdiocese of Philadelphia are **DISMISSED IN PART**, as follows:

- a. Plaintiffs' claims against the Archdiocese for assault and battery in Counts 4–7 of the Complaint are **DISMISSED**;
- b. Plaintiffs' claims against the Archdiocese in Count 8 are **DISMISSED IN PART**. Those parts of Count 8 that state negligence claims by Bickle, R.O., and A.B. against the Archdiocese are **DISMISSED**. Those parts of Count 8 that state negligence claims by Bickle, D.E., R.O., and A.B. against the Archdiocese, based on the negligence, if any, of other defendants, are **DISMISSED**.¹

This decision is **WITHOUT PREJUDICE** to plaintiffs' right to file and serve an amended complaint within twenty (20) days of the entry of this Order if warranted by the facts and applicable law.

BY THE COURT:

/s/ **Hon. Jan E. DuBois**

DuBOIS, JAN E., J.

¹ The Archdiocese does not seek to dismiss those parts of Count 8 that state negligence claims by D.E. against the Archdiocese, based on the alleged acts or omissions of the Archdiocese. Therefore, those claims may proceed.